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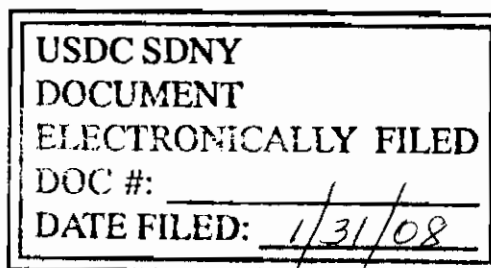
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# MEMO ENDORSED

January 29, 2008

## Via Hand Delivery

Honorable Robert P. Patterson  
United States District Court  
Southern District of New York  
United States Courthouse  
500 Pearl Street, Rm. 2550  
New York, NY 10007



Re: Bennett, et al. v. Horne, et al., 07-CV-2823 (RPP)

Dear Judge Patterson:

I represent plaintiffs in the above-captioned case. Plaintiffs' First Amended Complaint is due to be filed this Friday, February 1, 2008. I write to inform you of some recent developments in the case that both plaintiffs and defendants have agreed may warrant a 3-week delay in the filing of the complaint.

On December 17, 2007, I requested a tour of certain facilities on Rikers Island. Defendants agreed to this tour. I toured the facility on January 28, 2008. At my request DOC personnel took photographs of certain areas of Rikers Island during the tour. In addition, I was permitted to take measurements of certain areas of the facility.

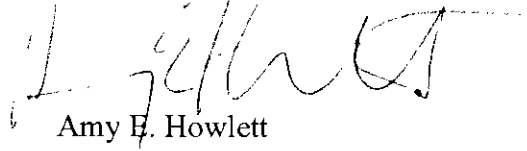
Prior to this tour, plaintiffs' counsel had agreed that if delaying the filing of the complaint would possibly lead to fruitful settlement discussion, plaintiffs would agree to delay filing as appropriate. In exchange, defendants' counsel, Martin Bowe, agreed that if any potential lead class actions plaintiffs specified by plaintiffs' counsel were transferred out of Dorm 3 after February 1, 2008, defendants would not challenge their ability to represent a potential class on the grounds that those plaintiffs were no longer incarcerated in Dorm 3. Defendants reserved the right to challenge class certification on all other grounds.

Plaintiffs' counsel is currently waiting for the DOC to make a determination of which photographs may be released to plaintiffs. Once these photographs are released, plaintiffs may have the photographs as well as the corresponding measurements examined by an expert. Plaintiffs may then refine their complaint based on his findings. Plaintiffs will provide defendants with an advance copy of the complaint 7 days prior to its filing in order to aid discussions. Plaintiffs therefore request a 3-week delay in filing their First Amended Complaint.

SEE TYPEWRITTEN MEMO  
ENDORSEMENT ATTACHED

*appeal granted  
The Amended Complaint must be filed by February 21, 08  
as ordered  
RMPP Patterson 50317- 1/31/08*

Respectfully,

A handwritten signature in black ink, appearing to read 'Amy E. Howlett', written in a cursive style.

Amy E. Howlett

cc: Martin Bowe

**Case:** Bennett, et al. v. Horne, et al.  
**Index No.** 07 Civ. 2823 (RPP)

**MEMO ENDORSEMENT READS:**

*Application granted.*

*The Amended Complaint must be filed by February 21, 2008.*

*So ordered.*

*Robert P. Patterson, Jr., U.S.D.J., 1/31/08*